

FEDERAL HIGHWAY
ADMINISTRATION

97 FEB 21 AIO: 35

LEGS./REGS. DIV.

QA-21506

FHWA-97-2350-50

3672 Eager Rd.
Jamesville, N.Y. 13078
Feb, 19, 1997

Docket Clerk
ATTN: FHWA Docket No. MC-96-28
Federal Highway Administration
400 Seventh Street, SW---Room 4232
Washington, D.C. 20590

Dear Sir or Madam;

I understand that the FHWA has issued an Advance Notice of Proposed Rulemaking (ANPRM) concerning hours of service changes for long haul commercial truck drivers.

My immediate concern here is a section regarding "Regulation of Shippers and Consignees". There is a question in this that I will state in the enclosure and to which I will make an appropriate response. Knowing that I have a parochial view, I will try my best to make unbiased and truthful statements.

Changes need to be made in the Hours-of Service rules in order to allow truckers more rest so that fatigue is not a cause for concern in highway safety.

Very truly yours,


Edward F. Chopay

encl.

Q. 36

DOCKET MC-96.28-110
PAGE 1 OF 4

Question No. 36

Should the FHWA seek legislation from Congress to regulate shippers and consignees to prohibit them from making demands on a motor carrier and its drivers that would cause a violation of the Hours-of-Service rules?

My response:

A definite yes! In addition legislation should be written to regulate motor carriers from accepting (as they often do---even encouraging) unrealistic pick-up and delivery times. This legislation would allow the driver adequate rest to prevent fatigue, further allowing the driver to continue safe operation of his vehicle. The benefits accruable would be a safer highway environment to all travelers and fewer freight claims and other property damage claims resulting from fatigued and tired truck drivers.

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DOCKET mc - 96-2870
PAGE 4 OF 4

BILL RIORDAN
3559 EAST WARR ROAD
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15 February 1997

Docket Clerk, Attn. Docket No. MC-96-28
FHWA, Room 4232
400 Seventh ST SW
Washington D.C. 20590

LEGS./REGS. DIV.

97 FEB 21 10:35

FEDERAL
ADMINISTRATION

Dear Office of Docket Clerk,

I have been a regular driver of charter, school, and city busses since 1970. I have never had an accident and my last moving violation was in 1981. I have been terminated from a place as I refused to drive when ill or fatigued. The Utah Transit Authority did this to me in December of 1996.

My first thought is to put teeth of enforcement/penalty in to the section 392.4 where operators should not be required to operate a motor vehicle while ill or fatigued.

"You have had your eight hours off and you should be fine" has been waved like a magic wand. Eight hours off is a joke, you have drive time both ways to work, you have duties at home etc. You don't get to sleep right away also. Twelve hours off is more appropriate, and a clause giving the driver discretion, knowing his/her capabilities should be a part of the program. Driving is very stressful today and that can pay a price. Driving a city transit bus for ten hours a day is very fatiguing, that should be cut back to eight. Driving a Charter Bus in ten hours has less fatigue.

Any new law should recognize the body time clock, road stress, fewer hours and giving drivers input on an individual basis.

DOCKET MC-96-28-11
PAGE 1 OF 1

Bill Riordan

Daren Keats
6332 Ellesmere Court
Charlotte, NC 28227
(704) 545-8153

ADMINISTRATION
07 FEB 14 P 2:23
LEADS/NEWS.DIV.

Docket Clerk
Attn: F.H.W. A Docket #MC-96-28
Federal Highway Administration
Department of Transportation
Room 4232, 400 7th Street S.W.
Washington, DC 20590

Dear Administration:

My name is Daren Keats and I wish to comment on the issue of Hours of Service and Driver Fatigue which is before your department.

I am a 43 year old white male who has been driving trucks for the last 15 years. I was married with two children when I was laid off from Bethlehem Steel with 12 years.

I joined the Army Reserves and took my basic and advanced training at Fort Leonardwood, MO. My M.O.S. was as a truck driver. Shortly after that I got a job driving over-the-road with a company based in Atlanta, GA.

Since then I've driven for three other trucking companies. My driving experience now includes driving coast to coast, boarder to boarder. I've pulled flatbed, 45, 48 and 53 foot trailers. I've pulled doubles, reefer and tanker and have run as a team driver.

With this experience, I feel I am qualified to write you on the issue of diver fatigue and hours of service. I will also address some issues which are related.

I will try to put everything in perspective so you can see how it is related to hours of service and fatigue.

There are four classes of truck drivers, the first being the road driver. He runs 48 states and is gone from home two or more weeks at a time.

The second class is the regional driver. He runs a limited number of states such as the northeast, southeast, **midwest**, etc. He usually is home on weekends.

The third class is the local driver. He runs within the state or adjoining states. He is home usually every night. The fourth is the pick-up and delivery driver. He runs within the state and is home every night. P&D drivers are paid by the hour where the other drivers are usually paid by the mile.

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Let me stop here for a second. Probably 95% of road drivers get a divorce, myself included. After my divorce I lived in a tractor for a year. In a case like that, what is a driver suppose to use for an address? I had no residence. I had to sell my pick-up so I had no vehicle. Then when I did get settled down again and bought a car, I had to pay high risk insurance for a year because I had gone a year without car insurance. This not fair or right.

I want to go back 10 years or so when the American Trucking Association started a campaign to bring about changes in the trucking industry. Remember, the A.T. A. represents the trucking companies, not the drivers. There is no one out there to protect the driver unless the government should decide to help the driver and not some association like the A.T.A. Keep in mind that even though the A.T.A. can throw a lot of money around, it can't vote. How many drivers are in the U.S.? I've made my political point and I hope these issues don't involve politics.

Ten years ago wages were low, drivers were getting all the miles they wanted. All of a sudden a lot of attention was placed on the truck driver. Go back and look at the stories in the newspapers and on TV. I remember a story where about 90% of all truck drivers were using drugs and alcohol. How about the one where a truck driver who was drunk ran into a school bus killing all the children on board?

I Believe, as it turned out, less than 3 % were found to use drugs or alcohol. The truck driver that ran into the bus was driving a pick-up. I also believe a study was done by the University of Michigan which found only 13 % of all trucks were involved in all reported accidents. The report, to my knowledge, did not say they were at fault. Only that they were involved. We all know that a trucking company would rather pay to have a finder fixed that go through the legal expenses and publicity of fighting it in court. The government has made all these rules and regulations for the truck driver, maybe some attention should be paid to the other 87%.

I don't know why all of a sudden all this pressure was being put on the truck driver, but the A.T.A. was quick to jump in to save us all.

I guess first came the C.D.L. License and drug and alcohol testing. The C.D.L. was a good idea as it was first presented. Each driver would take a standard written test and be issued a Federal Commercial Driving License, which would be good in all states. How did that ever get changed?

Then came the push by the A.T. A. about a shortage of drivers and that the government needed to help set up schools to avoid a disaster in the country.

The argument could be very persuasive. Many companies have gone to a "just in time" delivery system and others only keep a three day supply of goods in stock.

There never has been a shortage, nor will there ever be a shortage, of drivers. When the A.T.A. started this program I'd ask drivers if they were short drivers or if their company just couldn't keep drivers. Their reply was **that** they were short drivers because the company couldn't keep drivers.

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The reasons they gave then are the same as they are now. Poor pay, never home, hand loading and unloading. Then having to be halfway across the country by morning.

The fact is a lot of companies don't really care about their drivers. Only about making more money at the expense of their drivers. The A.T.A.'s part is to flood the market with drivers to hold down wages.

There is one thing the A.T.A. didn't take into account. Most people won't do this job for what it pays and what they have to do. Someone kept track of students that graduated from driving schools for one year and found that a year later only 10% were still driving.

The driving schools that the A.T.A. pushed for are a joke. These people are paying \$3000-\$4000 for a three to twelve week course. Most of their time is spent on paperwork and safety. They are lucky to get 50 miles driving experience. I won't even take up your time with all the stupid things these people do when a company puts them out on the road.

It used to be that when a company hired someone with no experience that the person would go through a company driving school, then be placed with an experienced, trained driver for 6-8 weeks.

A driving school should only be used as a first step. All trucking companies should have a standard program in place to cover the inexperienced driver and the experienced driver.

The drug issue. Truck drivers used drugs, uppers and downers. Dispatchers used to hand out drugs. You could go into a truck stop and get whatever you wanted, but it was quiet, no one talked about it on the radio. Then everything changed. Companies started just hiring anyone. When they did that they brought in the coke and crack. They brought in people who didn't care about anything except getting high. It wasn't very many, but enough to create a problem for everyone.

A good example of this was Rising Fast Trucking Company. How do you think they went from something like three trucks to three hundred trucks overnight? Their drivers were low paid and they hired the "non-professional" type. I wouldn't even go into a truck stop if I knew a Rising Fast driver was in there because they sold dope and would steal anything they could get their hands on. If you think that can't happen today, then let me remind you about Carpet Transport in Dalton, GA.

Another example of what is in the best interest of the company but not the driver or general public is Prime Trucking Company. They have a deal where a driver can purchase a new tractor through them. They recently announced their Driver of the Year who averaged 3200 miles a week.

I run regional and drive a company truck for a manufacturer. Most loads are drop and hook. I'd say I average 2000 miles a week and log 12-15 hours a day. Let's look at what a day might consist of for a road driver.

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He wakes up at his destination. It takes 3-4 hours to get unloaded. He drives to a restaurant, cleans up and eats breakfast. He then spends the next two hours making phone calls to his dispatcher trying to get a load. He then drives across town and spends another two hours getting loaded, drives for another two hours and stops for lunch, drives for another four or five hours and stops for dinner and a shower. He then has to driver another four or more hours to reach his next destination before 7:00 a.m.

That's just one day and doesn't include everything. For the year he has to buy tires and have them put on, buy fuel, get his tractor washed, get his oil and filters changed, have his tractor lubed, etc. At 250,000 miles he will get new injectors put in. AT 500,000 miles he will have the top end of the engine rebuilt, etc.

You tell me. How does a driver log an average of 3200 miles a week? Does the company keep track of what their drivers do and do they care what their drivers do? If you noticed, that added up to more than a 15 hour day. If it were me, and you asked to see my log, it would show one hour to unload and reload, five hours driving, one hour for a meal stop, then five more hours driving, followed by at least an eight hour break.

If you were to place the blame on a group for log violations and fatigue... **where** would you place it? The A.T.A. would have you believe the driver is to blame. Yet, there are companies out here that are responsible enough to monitor their driver's logs. If a driver called in at **4:00** p.m. and said that he was loaded and rolling, yet his log showed him leaving at **8:00** a.m., that driver might be looking for another job.

I have personally heard a traffic manager tell a group of three new drivers that they needed to get together to improve their logging habits or their services would no longer be needed with the company.

One of the points I'm trying to make is that a driver is placed in a situation, or environment, for which he has no control or protection.

Let's look at a driver that averages 3200 miles a week. He gets tired, very tired. If you recall earlier I said I got a divorce while I was a road driver. Needless to say, a company will take advantage of the driver who has nowhere to go and nothing to do but work.

I'll give you my own personal experience of fatigue. I had to be in Green Bay by 7:00 a.m. I was just north of Milwaukee on I-43 at about 3:00 a.m. There was approximately two feet of snow on the road and I was in the middle of a blizzard, doing 40 MPH. It was one of those deals where I had been up all day and now all night. suddenly, I came upon another truck pulling an empty low-boy trailer doing 30 MPH. I followed behind him for a while then decided to pass him. I moved out into the left lane and he moved into the left lane blocking me. I moved back to the right lane and he moved back to the right lane. I just sat there and looked at him, then something told me that something just wasn't right. I rolled my window down, closed my eyes and shook my head. When I opened my eyes, there wasn't a truck there. There weren't even any tire tracks.

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Here's the worst part. The next day, I was sitting at the counter of a truck stop with about a dozen other drivers. I told them of my experience and everyone of them told me of their own personal experiences where they saw things that weren't there or didn't see things that were there or didn't remember how they got somewhere.

One of the issues you have to address is the use of Lumbers. Some companies will reimburse a driver for a Lumber, some won't. A driver should never have to load or unload a trailer. He should never have to pay a Lumber out of his own pocket to load and/or unload a trailer is a direct contribution to fatigue...that is a fact. Lumbers charge up to \$150.00 to unload a trailer. They kick money back to the dock supervisor, they pay no taxes, they collect food stamps and welfare and live in government housing. Yet they can make up to \$300.00 a day tax free and work whenever they want to.

When a customer orders freight, the shipper should load it and the receiver should unload it. This is not the driver's job. The driver's job is to transport freight from point A to point B in a safe and efficient manner. He is responsible for the equipment and to make sure the load is secure. No where does it say that the driver must work for the shipper or receiver in loading and/or unloading of their freight.

Another thing you need to put a stop to is this kick-back money. Where a shipper or receiver have agreed with all parties on a rate, then when the driver gets there they want him to pay them to load or unload his trailer. I plead with you to put an end to these practices once and for all.

Are you beginning to see how this is all tied together? The C.D.L., the driving school, the driver shortage, the A.T. A. and their agenda? The low pay and long hours, all the pressure and responsibility being placed on the driver? You have to make the companies accept their responsibilities to their drivers and to the general public, to ensure that the drivers are well trained, safe and courteous, that they get plenty of rest and quality time at home to enjoy their families, time at home so they can get things done around the house. What woman wants to be married to a man who only comes around every two or three weeks? Who comes home, takes a shower, eats, has sex then goes to sleep while she washes his nasty, smelly clothes? Then he gets up and leaves for another two to three weeks.

While he's gone, she has to pay the bills, take care of the house, the car and the kids all by herself. What kind of a life is that? Remember what I said about the 95% divorce rate?

The A.T.A. claims there is a driver shortage. Pick up one of those magazines looking for drivers in a truck stop. These are the same companies that advertise every month. Why? Because they can't keep drivers. Go to those companies and ask them how many drivers have been with them for 30 years and how many have been with them for 15-20 years. Then go to a company like Steelcase and ask them the same questions and ask them what their turnover rate is. Doesn't it seem strange that a company like Steelcase has never noticed a shortage of drivers?

This is just a guess, but I wouldn't be surprised if the A.T.A. is going to try to sell you on using more team drivers. For some it works ok, for others it doesn't. But it's great for the company.

Just think, two drivers who are going to split their wages between themselves in one tractor that hardly ever stops.

Like I said, I ran team. My partner and I got along great. We ran very hard. He was the lead driver because he had about 10 years more driving experience than I did. One night I stopped in Charlotte, NC to get fuel. He woke up and got dressed and I thought he was going to get a cup of coffee. In a little while he came back and asked me where we were. He should have recognized where we were but I told him Charlotte. He then told me that the reason he woke up was because he smelled diesel fuel and thought the truck was on fire. I said to him, "You mean to tell me you thought the truck was on fire and you took the time to get dressed?" He said "Yeah. " I told him to bet back up in there and go to sleep.

For some it works, for some it doesn't. But do you want to force it on a driver? It will take more than one solution to rectify the problem before us. Suppose all drivers were paid by the hour. A company could go back through their 1996 records and figure how many hours each driver logged driving then divide that into his gross pay to get an hourly rate. Then, if the company wanted to, they could raise that rate to compete for better drivers.

A rule could be passed that drivers would be paid off their log and not their dispatch. There are some real benefits to this. First, the driver would be paid for all hours worked. There would be no freebee's like there are now. Some examples are, I get paid to driver through Atlanta, yet I'm required by law to drive around. I don't get paid if I'm stuck in traffic. I don't get paid if I'm getting loaded or unloaded.

I know there are wage laws in this country, but someone at some time decided that they don't apply to truck drivers. If a driver is getting paid by the hour, I don't thing he is going to run 75 MPH down the road. He's not going to lie on his log book if he is getting paid off his log. If he shows all hours driving and working, then he has to get his sleep and log it.

Quality time at home. There is no reason in the world why a driver has to stay out weeks and months at a time. Have the companies set up regions for the drivers with a guarantee of time at home. An example would be like the company I'm with. When we get home, we have 12 hours off before they can call us to go back out. We get home during the week and have most weekends off. We are given every third weekend off. Drivers are divided into four groups so that we can plan in advance things to do with our family. I get quality time off with my family and I make a decent wage. I get enough rest and I run a legal log.

Equipment. To me, the most important item in a truck, other than the brakes, is the driver's seat. We get beat to death out here. There are companies that put the cheapest seat they can get in a truck. Not only does it tear our back up, put blood in our urine, but also just wears us out.

A tractor should have the power to pull a hill and the braking ability to go down a hill. I feel we should have Jake Brakes on tractors. If you think this is a luxury item, how would you like to ride with me going down an 8% grade on a two lane winding road with 45,000 pounds in the trailer for 12 miles? I imagine halfway down you probably will want out.

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Does the company really care that it is too much weight for that road without a Jake Brake? Obviously not.

It's not fair and it's not right to put everything on the shoulders of the driver. **The** driver is forced into an environment which he has no say in or control of. All he can do is quit. I have a better idea. Let them change or get out of the business. A driver could drive for 30 years, moving from one company to another and never draw a pension.

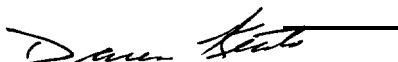
Maybe what we need is a department in D.C. to represent the drivers. If we had a Federal C.D.L., part of that money could be used to set up and run such a department. Instead of each company setting up a pension fund, which few will ever draw from, we could have one central fund so that no matter who you drove for or how many times you changed companies, you would still draw your retirement.

As you can see, the problem is more complex than hours of service and fatigue but everything I've said is tied to it. Don't let the A.T.A. pull the wool over your eyes. They have their own agenda and interest. Their interest is not the same as yours and mine. Look at the big picture and not just the log book. I know this statement is long winded, but I am concerned for the general public and the drivers. Safety should be our number one concern.

I can only hope that I've given you some insight into a driver's perspective on the issues. I haven't covered everything and I haven't said everything. I'm just one person-I hope a person that made a difference.

If you have any questions or comments you'd like to make, I would like to hear them. Thank you for your time.

Sincerely,



Daren Keats

cc: Ms. Deborah Freund ✓
Senator Jesse Helms
Congresswoman Sue Myrick

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ADMINISTRATION

97 FEB 10 P 1:31

LEGS./REGS. DIV.

BOSTON, MASSACHUSETTS

The Back Bay

Back in the 1850's this area was covered by water at high tide... hence the name Back Bay. The Mother Church of Christianity Science is in the foreground. The Prudential Insurance Building and the John Hancock Tower are the tallest buildings in New England.

REF: Hours of service

THE SOLUTION IS SIMPLE: ALLOW

DRIVERS TO DRIVE 12 HRS AND

REST 10 HOURS. IT USELY TAKE

2-3 HRS FOR A DRIVER TO FUEL

EAT, SHOWER & MAKE CALLS DURING

THE PRESENT 8 HR BRK RULE IT

WOULD BE THE 8 DAY 96 HRS

RULE. CHANGE THE 15 HR ON DUTY

TIME TO 20 HR ON DUTY. MY

PHN IS 2

K-23-A
L-5172-E

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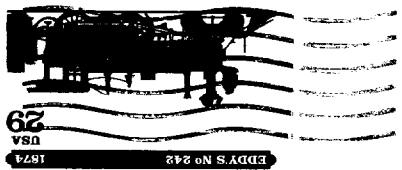
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